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Attorneys for Defendant CME INTERNATIONAL LLC

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

BARBARA HARRISON, an individual,

Plaintiff,

v.

CME INTERNATIONAL LLC (dba Bob's
watches),

Defendant.

CASE NO.: 8:23-cv-00347-CJC-KES

**NOTICE OF MOTION AND MOTION
TO DISMISS PLAINTIFF'S
COMPLAINT**

[Fed.R.Civ.P. 12(1) and (6)]

Date: May 22, 2023

Time: 1:30 p.m

Courtroom: 9B

Ronald Reagan Federal Building and United
States Courthouse

Hon. Cormac J. Carney

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on Monday, May 22, 2023, at 1:30 p.m. or as soon thereafter as the matter may be heard in Courtroom 9B of the above-entitled court, Defendant CME International LLC (dba Bob's Watches), will and hereby does move to dismiss the Complaint in its entirety, pursuant to Fed.R.Civ.P. 12(b)(6) and 12(b)(1). All of the asserted claims arise from Plaintiff's alleged visit to www.bobswatches.com (the "Website"), and Plaintiff's claim that the Website fails to comply in various ways with Plaintiff's Screen Reader Software's ("SRS") ability to access the Website, and deterred Plaintiff from learning information about Bob's Watches products in violation of the Americans with Disabilities Act and California's Unruh Civil Rights Act. However, Plaintiff's Complaint fails to state a viable claim as none of Plaintiff's supposed issues with Defendant's Website would impede or stop her from accessing the physical location of Defendant's business. As such, Plaintiff's alleged inability to view certain aspects of the site for a purely informational injury does not rise to a viable ADA claim. Further, Plaintiff has not shown a bona fide intent to visit the store's physical location to make a purchase or to return at anytime in the future, as such Plaintiff does not have a viable Unruh Act claim.

This motion is based on this Notice and the accompanying Memorandum of Points and Authorities, the Request for Judicial Notice, Proposed Order, all pleadings and documents on file herein, and on such other and further evidence as may be presented at or before the hearing on this matter.

Pursuant to Local Rule 7-3, Defendant's counsel Philip H. Stillman, Esq. met and conferred via telephone on April 21, 2023 with Plaintiff's counsel Michael T. Harrison, Esq. and were unable to reach any agreement regarding Defendant's issues concerning the deficiencies in Plaintiff's claims.

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2 WHEREFORE, Defendant respectfully requests that this Court grant Defendant's
3 Motion to Dismiss the Complaint.

4 Respectfully Submitted,

5 STILLMAN & ASSOCIATES

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7 April 22, 2023

8 By: Philip H. Stillman, Esq.
9 Attorneys for Defendant
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PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on April 23, 2023 or as soon as possible thereafter, copies of the foregoing Notice of Motion to Dismiss, Memorandum of Points and Authorities, and Proposed Order were served electronically by ECF.

By: /s/ Philip H. Stillman
For Defendant